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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,149	12/01/1999	YOKO IKEDA	501.37892X00	9942

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EXAMINER

KIBLER, VIRGINIA M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 12/29/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/452,149

Applicant(s)

IKEDA ET AL.

Examiner

Virginia M Kibler

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

MEHRDAD DASTOURI
PRIMARY EXAMINER*Mehrdad Dastouri*

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/26/03 have been fully considered but they are not persuasive.

Summary of Applicant's Argument: Aloni et al. ("Aloni") and Steffan et al. ("Steffan") disclose only a second area for classified defects, not a first area. Aloni and Steffan do not disclose the claimed "means for moving." Aloni does not disclose how a user may reject or amend a classification nor any operation analogous to Applicant's means for moving. Both Aloni and Steffan are directed to automatic defect classification. Aloni's on-line display enables the operator to review the defect images to amend classifications. By the time a user sees a defect image, the defect has already been classified. Steffan displays defect "thumbprints" and numerical values, not defect images. Steffan does not disclose displaying each and every defect. Applicant describes an example "means for moving" which involves a pointing device and a drag-and-drop operation. Steffan discloses second areas for classifying the detected images, but does not expressly disclose second areas for displaying actual visual images of detected defects. In the Applicant's invention, a user can carry out classification by a drag and drop operation on the screen while looking at all the defect images on the display screen.

Examiner's Response: Aloni clearly discloses a first area for displaying a plurality of detected images stored in a storage means (Col. 5, lines 46-48; Col. 15, lines 22-32). Aloni discloses displaying defect images (Col. 15, lines 22-38), thereby allowing the user to see the actual image of the defect in order to classify each defect. Aloni discloses interactive operations

Art Unit: 2623

including defect elimination (Col. 15, lines 22-32), thereby providing a manual classification and more particularly, the claimed “means for moving.” As set forth in Aloni’s column 15, lines 22-38, classification is completed after operator control operations. In other words, the user sees the defect image before it has been classified. As stated above, Aloni’s first area is disclosed in column 5, lines 46-48. In general, different areas of a display could be considered as first and second areas. Steffan’s teachings are cited for teaching specific areas in a screen. Steffan also teaches moving displayed information in an area to another area. Aloni explicitly discloses a first area and moving detected images (elimination operation, Col. 15, lines 22-32). The inventions of Aloni and Steffan are in the same field of endeavor for displaying defect images and do not negate each other’s teachings. The Applicant’s “means for moving” including a pointing device and a drag-and-drop operations is not explicitly recited in the independent claims, and furthermore it is well known and routinely implemented in the art as a user interface. The Applicant’s feature of allowing an operator to carry out a classification by a drag-and-drop operation while looking at all the defect images on the display screen is not explicitly recited in the claims. Furthermore, having different first and second areas for displaying detected images is not a patentable concept.

Contact Information

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon-Thurs 8:00 - 5:30 and every other Friday.

Art Unit: 2623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



VK
12/18/03

MEHRDAD DASTOURI
PRIMARY EXAMINER

